

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

KELLY KAY CALKINS,

Plaintiff,

vs.

GRANT MORRISON, KEVIN
IFFLAND, RICH ST. JOHN, and
BILLINGS POLICE DEPARTMENT,

Defendants.

CV 16-169-BLG-DWM-JCL

FINDINGS AND
RECOMMENDATION

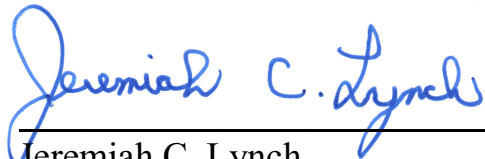
By Order entered April 20, 2017, the Court found that Plaintiff Kelly Calkins, appearing pro so, had until April 5, 2017, to effect service of her complaint and summonses upon the Defendants as required by Fed. R. Civ. P. 4(m). But she had not filed proof of service as required by Fed. R. Civ. P. 4(l), and no Defendant has appeared in this action. Additionally, Calkins had failed to appear at the preliminary pretrial conference that was set for April 20, 2017.

Accordingly, the Court afforded Calkins an opportunity to obtain an extension of the time for service of her complaint – the Court ordered her to show good cause, on or before April 28, 2017, for her failure to effect service of her complaint. The Court cautioned Calkins, however, that if she failed to show good cause this action would be dismissed without prejudice as required under Rule

4(m).

Calkins did not respond to the Court's order, and she did not comply with the April 28, 2017 deadline. Therefore, Calkins has failed to show good cause for her failure to serve Defendants in this action. Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice pursuant to Rule 4(m).

DATED this 1st day of May, 2017.



Jeremiah C. Lynch
United States Magistrate Judge